

CRAIG M. GIANETTI
Attorney at Law

One Jefferson Road
Parsippany, NJ 07054-2891
T: (973) 966-8053 F: (973) 206- 6273
cgianetti@daypitney.com

December 14, 2021

VIA E-MAIL

Chairman & Members of the Board
Borough of Rumson
80 East River Road
Rumson, NJ 07760

**Re: Yellow Brook Property Co., LLC (“Applicant”)
Preliminary and Final Site Plan
Block 124, Lot 31; 91 Rumson Road, Rumson, NJ**

Dear Chairman Lospinuso & Members of the Board:

Please recall this matter is scheduled for a continued hearing on December 20, 2021 at which the Board and the public will be able to question all of the Applicant’s witnesses concerning their prior testimony. Initially, I would like to thank the Board and its professionals for scheduling this special meeting on December 20th due to a conflict I had on December 6th with another planning board hearing.

At the last November 8th Planning Board hearing, some of the Board members previewed some of their questions and concerns for the next meeting. Though we will provide testimony as to the same on December 20th, I wanted to discuss some of the questions in advance of the meeting since it has been some time since our last meeting.

Access & Egress

There were some questions concerning existing and proposed traffic on Osprey Lane and the ability to use Rumson Road or Tuxedo Road for ingress and egress also. It is important to recall the nature of this application. The Board’s role is to determine whether the Applicant’s application conforms to the zoning and site plan ordinance of the Borough. The RR Zone, through the concept plan attached as an exhibit, specifically calls for the development’s ingress and egress from Osprey Lane, and Rumson Road to be used for emergency vehicle access. The RR Zone also calls for the back area of the property, which contain a large wetlands area, to be a grassed / landscaped area near Tuxedo Road.

Chairman & Members of the Board
Borough of Rumson
December 14, 2021
Page 2

The RR Zone was not created in a vacuum and was the culmination of many months of discussions and meetings with the Borough and its professionals for the rezoning of this property. It was determined that Tuxedo Road was not a viable ingress / egress point due to the existing wetlands and wetlands buffer. It was also determined that the long, stem to Rumson Road, though it may be appropriate for a private driveway to a house, was not appropriate for an entrance or exit drive for a multi-family development. The proposed Osprey Lane entrance and exit is in conformance with the RR Zone, and as our traffic expert has testified, the additional traffic will not have a substantial impact to the adjacent road system. Access from Rumson Road or Tuxedo, aside from having practical difficulties, would not be in conformance with the zone and would create significant variances.

The RR Zone was the subject of publicly noticed court hearings and multiple publicly noticed Council meetings and Planning Board meetings before adoption. It was also later amended at another publicly noticed Council meeting following Planning Board review of the amended ordinance. Given the practical difficulties discussed above, and as previously reviewed by Borough professionals, the access and egress from Osprey Lane is most appropriate.

Stormwater Management

There were some questions as to the stormwater management and requests for assurances that it will work. Initially, based upon the comments, there seemed to be some mixing of concepts related to stormwater management system and sanitary sewer system. With regard to stormwater management, the Applicant's civil engineer provided extensive testimony as to the same and its functionality. Further, the Board's own civil engineer has reviewed the proposed stormwater management system and there were no concerns raised in the review letter or at the hearing about the design or functionality of the stormwater management system. Our engineer will be available on December 20th to answer any specific questions the Board may have about stormwater management.

With regard to sanitary sewer, as noted by the Applicant's engineer, the Applicant on his own studied ***and repaired*** approximately 2,500 linear feet of the existing sanitary sewer line in the public right of way, which will result in the existing sewer pipe having ***more capacity*** post-development than what existed prior to this application. That is due to the Applicant's repair of the inflow and infiltration in this portion of the sanitary sewer pipe while it studied its capacity.

General Traffic Mitigation Measures

Recall the Applicant's traffic engineer's testimony was that traffic generated by the proposed development would not have a substantial impact on traffic conditions and that site traffic does not require off-site improvements to mitigate the traffic generated by the proposed development. The possible traffic improvements testified to by our traffic engineer in the Shrewsbury Avenue area and at the Bingham Avenue / Rumson Road intersection were in

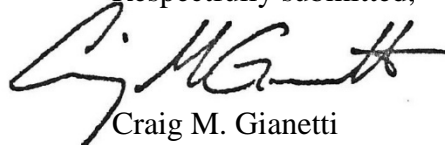
Chairman & Members of the Board
Borough of Rumson
December 14, 2021
Page 3

response to a general question asked by the Board concerning the *existing* traffic and cut through issues. In response to that question the Applicant's traffic engineer noted several possible alternatives to address cut-thru traffic, including speed bumps on Shrewsbury Avenue and a dedicated right turn lane southbound on Bingham Avenue at its intersection with Rumson Road. These answers were not in response to impacts caused by the proposed development. In fact, our traffic engineer noted that the suggested turn lane on Bingham Avenue would not be used by traffic coming from or to the proposed development.

There was also a question about the sight distances on Osprey lane and Rumson Road. Our traffic expert noted that there were no recorded accidents at the intersection and that a car can adequately "inch forward" to get a better line of sight without encroaching into the travel lane on Rumson Road. However, the cause for the lack of sight distance has nothing to do with this proposed project. It is caused by the overgrown hedges on the corner lot, Lot 33 and Lot 15.01 (some of which encroach in the County right-of-way), that obstruct the view for drivers on Osprey Lane turning onto Rumson Road. This existing vegetation is also located within the County guidelines for an intersection sight triangle if such was required by the County. To provide an unobstructed line of sight, at a minimum, the vegetation within these limits needs to be trimmed, removed or relocated. The Applicant does not own or have control over Lot 33 or Lot 15.01. The Borough and / or the County have the authority to address that issue directly with the owners of these lots with respect to providing clear line of sight.

On December 20th we look forward to addressing these questions further and any other questions of the Board may have.

Respectfully submitted,



Craig M. Gianetti

CMG:rdm

Cc: Michael Steib, Esq
Robert Keady, P.E.
Kendra Lelie, P.P.